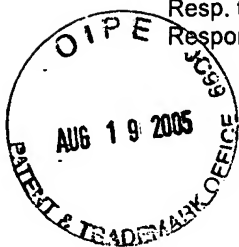


Appl. No. 10/612,648
Express Mail No. EV 669115565 US
Resp. to Office Action of February 23, 2005
Response dated August 19, 2005

Attorney Docket No. 350957-012 (Formerly 71286-010510)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO. : 10/612,648
APPLICANT : Clouatre
TITLE : (-)-Hydroxycitric Acid for Controlling Inflammation
EXAMINER : Fay, Zohreh A
ART UNIT : 1614
DOCKET NO. : 350957-012 (formerly 71286-010510)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir:

This paper is filed in response to the February 23, 2005 non-final Office Action in the above-identified application. Applicant has filed concurrently herewith a petition for a three (3) month extension of time pursuant to 37 C.F.R. § 1.17(a)(3) and a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). With the extension, these documents are due on or before August 23, 2005.

The Commissioner is hereby authorized to charge the petition fee of \$510.00 for a three month extension of time pursuant to 37 C.F.R. § 1.17(a)(3) and the \$65.00 fee for filing a statutory disclaimer pursuant to 37 C.F.R. § 1.20(d) as well as any other fees due with this submission and to credit any overpayment, to Deposit Account No. 50-3431, Ref. No. 350957-012.

The Examiner has rejected pending claims 1-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,482,858. The Examiner reasons that while the conflicting claims are not identical, they are patentably distinct from each other because they overlap. The Applicant respectfully requests reconsideration and withdrawal of the nonstatutory double patenting rejection of claims 1-6 in the instant case as the Applicant timely files herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). The Applicant declares that Glykon Technologies, LLC owns all right, title

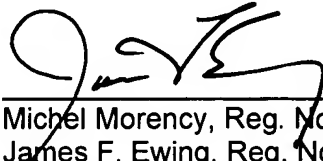
and interest in both U.S. Patent No. 6,482,858 and the instant application as evidenced by assignments recorded at reel/frame 015981/0218 (January 29, 2004) and reel/frame 016323/0717 (June 1, 2005).

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance and respectfully request the same. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: August 19, 2005



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